

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SOLANO & NAPA COUNTIES ELECTRICAL WORKERS HEALTH AND WELFARE TRUST FUND, et al, No C 07-4111 VRW ORDER

Plaintiffs,

v

CAMERON ELECTRIC & LIGHTING DESIGN, a sole proprietorship; ZACHARY ALAN CAMERON, its owner; and CAMERON ELECTRIC d/b/a CAMERON ELECTRIC & LIGHTING DESIGN

Defendants.

Plaintiffs seek default judgment on grounds that defendants Cameron Electric & Lighting Design and Zachary Alan Cameron ("defendants") failed to contribute to multi-employer benefit plans as required by applicable collective bargaining agreements. Plaintiffs seek damages under 29 USC § 1132(g)(2). Doc #13 at 4-5. For reasons discussed below, plaintiffs' motion for default judgment is GRANTED.

1 Plaintiffs filed their complaint on August 9, 2007. Doc
2 #1. Defendants were served on August 21, 2007, but did not
3 respond. Doc #4. On September 28, 2007, the clerk entered
4 default. Doc #7. Plaintiffs filed a motion for default judgment
5 and supporting papers on February 19, 2008. Doc ##12-16.
6 Defendants were served by mail on the same day. Doc ##12-16.
7 Defendants did not respond to the motion for default judgment.

8 On April 10, 2008, the court ordered defendants to show
9 cause in writing by April 20, 2008, why default judgment should not
10 be entered. Doc #18. Plaintiffs served the order to show cause on
11 defendants by mail on April 18, 2008. Doc #19. Defendants have
12 not responded to the order to show cause.

13 Plaintiffs seek damages of \$68,328.28 under 29 USC §
14 1132(g)(2), comprising \$54,288.92 in unpaid fringe benefit
15 contributions, \$9,526.50 in liquidated damages and \$4,512.86 in
16 attorney fees and costs. Having reviewed the complaint and the
17 declaration in support of default judgment, Doc #14, the court
18 determines that plaintiffs have made a sufficient showing to
19 support the requested judgment.

20 In particular, the court notes that plaintiffs' fee and
21 cost request is reasonable. Plaintiffs' counsel, Scott M De Nardo,
22 bills plaintiffs \$235 per hour for his services. As of the time he
23 wrote his declaration in support of fees, De Nardo had billed
24 plaintiffs for 14.4 hours of work on this matter; he estimates that
25 he spent an additional three hours in researching and drafting the
26 supplemental declaration in support of attorney fees. Doc #20 at
27 ¶4. Thus, plaintiffs request \$4,089 in attorney fees.

28 Applying the principles set forth in In re HPL

1 Technologies, Inc., Securities Litigation, 366 F Supp 2d 912, 921-
2 922 (ND Cal 2005) (Walker, J), the court determines that
3 plaintiffs' fee request is reasonable. Under the 2008 Laffey
4 matrix (adjusted upward for the cost of living in the San Francisco
5 Bay area), an attorney with six years of experience, such as De
6 Nardo, Doc #20 at ¶5, would bill approximately \$279 per hour. See
7 United States Attorney's Office for the District of Columbia Laffey
8 Matrix 2003-2008 ([http://www.usdoj.gov/usao/dc/Divisions/Civil_](http://www.usdoj.gov/usao/dc/Divisions/Civil_Division/Laffey_Matrix_7.html)
9 [Division/Laffey_Matrix_7.html](http://www.usdoj.gov/usao/dc/Divisions/Civil_Division/Laffey_Matrix_7.html)); U S Office of Personnel Management
10 2008 Salary Tables (<http://opm.gov/oca/08tables/>). De Nardo's rate
11 of \$235 per hour is reasonable for an attorney of his experience
12 level working in San Francisco. In addition, the court finds that
13 spending 17.4 hours to draft a complaint for damages under 29 USC §
14 1132(g)(2) and prosecute a motion for default judgment is
15 reasonable, especially given that De Nardo's hourly rate is lower
16 than that suggested by the Laffey matrix. In addition, the request
17 for \$423.86 in costs (including the \$350 filing fee) is reasonable.

18 Accordingly, the clerk is DIRECTED to enter judgment
19 against defendants Cameron Electric & Lighting Design and Zachary
20 Alan Cameron in the amount of \$68,328.28.

21
22 IT IS SO ORDERED.

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25 VAUGHN R WALKER
26 United States District Chief Judge
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